

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4 DIAMOND STATE INSURANCE COMPANY,
5 an Indiana corporation,

No. C 11-5193 CW

6 Plaintiff,

7 ORDER REGARDING
8 PLAINTIFF'S
9 OPPOSITION TO
DEFENDANT MARIN
MOUNTAIN BIKES,
INC.'S MOTION TO
DISMISS, ABSTAIN
OR STAY, AND
VACATING HEARING
(Docket No. 12)

v.

8 MARIN MOUNTAIN BIKES, INC., a
9 California corporation; and ATB
SALES LIMITED, a private limited
company in the United Kingdom,

10 Defendants.

11 _____ /
12
13 On December 30, 2011, Defendant Marin Mountain Bikes, Inc.
14 filed a motion to dismiss, abstain from exercising jurisdiction or
15 stay Plaintiff Diamond State Insurance Company's claims against it
16 in the instant action pending final resolution of the underlying
17 action pending in ATB Sales Limited v. Marin Mountain Bikes, Case
18 No. 11-4755-CW (N.D. Cal.).

19 Pursuant to Local Rule 7-3(a), Plaintiff was required to file
20 any opposition to Defendant's motion within fourteen days
21 thereafter, or by January 13, 2012. Plaintiff has not yet filed
22 an opposition to Defendant's motion.

23 The Court GRANTS Plaintiff leave to file an opposition, if
24 any, to Defendant's motion within one week of the date of this
25 Order. If Plaintiff does not file an opposition to Defendant's
26 motion, the Court shall dismiss Plaintiff's claims against
27 Defendant Marin Mountain Bikes, Inc. for failure to prosecute.

1 The hearing currently scheduled from February 23, 2012 at
2 2:00 p.m. is hereby VACATED.

3 IT IS SO ORDERED.

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5 Dated: 1/18/2012
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CLAUDIA WILKEN
United States District Judge